UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,390	06/20/2003	Avijit Chatterjee	ROC920030238US1	7557

46797   7590   02/19/2010

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EXAMINER
HARPER, LEON JONATHAN

ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9,11-18,25,36 and 37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9,11-18,25,36 and 37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed on 10/20/2009 has been entered. No claims have been

added, cancelled or amended. Accordingly, claims 9, 11-18, 25 and 36-37 are pending

in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

Claims 9, 11-18 and 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US 6687878 (Eintracht) in view of US 7010144 (hereinafter Davis)

As for claim 9 Eintracht discloses: a data store storing a plurality of data objects

(See column 6 lines 34-45); a plurality of different applications for editing the plurality of

data objects (See column 5 lines 65-67, and column 1 lines 55-60) wherein each

application performs a different type of editing and wherein a relationship is defined

between each data object and a respective application for editing the respective data

object (See column 8 lines 40-46) an annotation store storing one or more annotations

annotating the plurality of data objects edited the plurality of different applications (See

column 6 lines 45-48), and an annotation browser configured to access, by operation of

one or more computer processors (See column 7 lines 25-30) Eintracht does not

disclose: the annotation store and provide one or more graphical user interfaces for

creating and viewing the one or more annotations wherein the annotation browser is

configured to display the one or more annotations along with selectable links from each

of the one or more annotations to at least one of the plurality of data objects annotated

by the respective annotation of the one or more annotations; and wherein selecting any

one of the selectable links causes the respective application for editing the respective

data object to be invoked according to the defined relationship between the respective

application and the respective data object. Davis however does disclose: the annotation

store and provide one or more graphical user interfaces for creating and viewing the

one or more annotations (See column 2 lines 40-50) wherein the annotation browser is

configured to display the one or more annotations along with selectable links from each

of the one or more annotations to at least one of the plurality of data objects annotated

by the respective annotation of the one or more annotations (See column 6 lines 14-24);

and wherein selecting any one of the selectable links causes the respective application

for editing the respective data object to be invoked according to the defined relationship

between the respective application and the respective data object (See column 3 lines
15-20 and figure 3 noting that the application must be compliant application). It would
have been obvious to an artisan of ordinary skill in the pertinent at the time the invention
was made to have incorporated the teaching of Davis into the system of Eintracht. The
modification would have been obvious because the two references are concerned with
the solution to problem of data processing, therefore there is an implicit motivation to
combine these references. In other words, the ordinary skilled artisan, during his/her
quest for a solution to the cited problem, would look to the cited references at the time
the invention was made. Consequently, the ordinary skilled artisan would have been
motivated to combine the cited references since Davis's teaching would enable user's
of the Eintracht system to embed annotations steganographicly into the displayed data
(See Davis column 1 lines 55-67).

As for claim 11 the rejection of claim 9 is incorporated, and further Eintracht
discloses: wherein the annotation browser is configured to display data and indications
of what displayed data has one or more corresponding annotations (See column 7 lines
55-67).

As for claim 12 the rejection of claim 11 is incorporated, and further Eintracht
discloses wherein the annotation browser is configured to display one or more
annotation icons proximate to an annotated data object (See column 15 lines 15-20).

As for claim 13, the rejection of claim 12 is incorporated, and further Eintracht discloses: wherein: at least one common annotation describes more than one data object (See column 15 lines 35-37), and the annotation browser is configured to display a common annotation icon proximate to data objects described by the common annotation (See column 15 lines 30-35 note: the icons can be graphics themelves).

As for claim 14, the rejection of claim 13 is incorporated, and further Eintracht discloses wherein the annotation browser is configured to display different annotation icons proximate to data objects described by different annotations (See column 15 lines 24-28).

As for claim 15, the rejection of claim 9 is incorporated, and further Eintracht discloses: wherein the annotation browser is configured to display a first annotation icon to indicate a displayed data object has a single annotation and a second annotation icon to indicate a displayed data object has multiple annotations (See column 14 lines 29-34)

As for claim 16, the rejection of claim 9 is incorporated, and further Eintracht discloses: wherein the annotation browser is configured to display a first portion of annotation data from an annotation, in response to a user positioning a cursor over an associated annotation icon (See column 15 lines 15-20 note: cursor must move over checkbox).

As for claim 17, the rejection of claim 16 is incorporated, and further Eintracht disclose: wherein the annotation browser is further configured to, in response to the user selecting the annotation icon, display a second portion of annotation data from the annotation (See column 14 lines 30-40).

As for claim 18, the rejection of claim 17 is incorporated, and further Eintracht discloses wherein the annotation browser is further configured to, in response to the user selecting the annotation icon, retrieve the second portion of annotation data from the annotation store (See column 7 lines 1-10).

As for claim 25 Eintracht discloses: a data store storing a plurality of data objects (See column 6 lines 34-45); a plurality of different applications for editing the plurality of data objects (See column 5 lines 65-67, and column 1 lines 55-60) wherein each application performs a different type of editing and wherein a relationship is defined between each data object and a respective application for editing the respective data object (See column 8 lines 40-46) an annotation database storing a plurality of annotations (See column 6 lines 25-28), wherein the plurality of annotations are stored separately from the plurality of data objects (See column 6 lines 45-55); a set of data object points (See column 7 lines 63-67), each data object point comprising an annotatable portion of one of the plurality of data objects (See column 7 lines 55-60) , wherein one or more of the set of data object points is annotated by one or more of the plurality of annotations (See column 8 line 65- column 9 line 3); a set of plug-in

components (See column 8 lines 28-30), each interfacing between one or more

annotation applications and an annotation server (See column 8 lines 34-43), wherein

the annotation server is configured to: (i) receive, via the plug-in components, requests

to access the plurality of annotations (See column 10 lines 34-40), the requests issued

by the one or more annotation applications and (ii) generate a graphical user interface

screen, based on an annotation structure associated with one or more of the set of data

object points, for creating or viewing annotations for one or more of the set of data

object points (See figure 1 b); and a browser application configured to browse the

plurality of annotations in the annotation database, wherein the browser application is

configured to: (i) access, by operation of one or more computer processors (See column

7 lines 25-30). Eintracht does not disclose: a set of annotation structures, each defining

a set of annotation fields selected to capture annotations of a specific type of data

object point. the plurality of annotations independently of the annotation applications in

which the plurality of annotations were created and (ii) display the plurality of

annotations along with selectable links from each of the plurality of annotations to at

least one data object point annotated by each annotation, wherein selecting any one of

the selectable links causes the respective application for editing the respective

annotated data object point to be invoked according to the defined relationship between

the respective application and the respective annotated data object Davis does however

disclose: a set of annotation structures (See column 10 lines 20-30), each defining a set

of annotation fields selected to capture annotations of a specific type of data object

point (See column 10 lines 30-35); the plurality of annotations independently of the

annotation applications in which the plurality of annotations were created (See column 2 lines 40-50) and (ii) display the plurality of annotations along with selectable links from each of the plurality of annotations to at least one data object point annotated by each annotation (See column 6 lines 14-24), wherein selecting any one of the selectable links causes the respective application for editing the respective annotated data object point to be invoked according to the defined relationship between the respective application and the respective annotated data object (See column 3 lines 15-20 and figure 3 noting that the application must be compliant application). It would have been obvious to an artisan of ordinary skill in the pertinent at the time the invention was made to have incorporated the teaching of Davis into the system of Eintracht. The modification would have been obvious because the two references are concerned with the solution to problem of data processing, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan would have been motivated to combine the cited references since Davis's teaching would enable user's of the Eintracht system to embed annotations steganographicly into the displayed data (See Davis column 1 lines 55-67).

As for claim 36 Eintracht discloses: an annotation database storing a plurality of annotations (See column 6 lines 25-28), a data store storing a plurality of data objects (See column 6 lines 34-45); a set of data object points (See column 7 lines 63-67), each

data object point being an annotatable portion of one of the plurality of data objects

(See column 7 lines 55-60) , wherein one or more of the set of data object points is

annotated by one or more of the plurality of annotations (See column 8 line 65- column

9 line 3); a set of index tables indexing the one or more of the set of data object points

annotated by the one or more of the plurality of annotations (See column 9 lines 15-25) ,

wherein each index table corresponds to a different type of data object point (See

column 8 lines 15-25). a plurality of different applications for editing the plurality of data

objects (See column 5 lines 65-67, and column 1 lines 55-60) wherein each application

performs a different type of editing and wherein a relationship is defined between each

data object and a respective application for editing the respective data object (See

column 8 lines 40-46) wherein the plurality of annotations are stored separately from the

plurality of data objects (See column 6 lines 45-55); a set of administration tools

configured for creating and modifying the set of annotation structures a client computer

comprising a set of plug-in components (See column 8 lines 28-30), each interfacing

between one or more annotation applications and an annotation server (See column 8

lines 34-43), wherein the annotation server is configured to: (i) receive, via the plug-in

components, requests to access the plurality of annotations (See column 10 lines 34-

40), the requests issued by the one or more annotation applications and (ii) generate a

graphical user interface screen, based on an annotation structure associated with one

or more of the set of data object points, for creating or viewing annotations for one or

more of the set of data object points (See figure 1 b); an annotation broker managing

messages passing between the annotation server and the set of plug-in components

(See column 7 lines 25-35) and a browser application configured to browse the plurality

of annotations in the annotation database, wherein the browser application is configured

to: (i) access, by operation of one or more computer processors, and a communications

network providing connectivity between the client computer and the annotation server

(See column 7 lines 25-30). Eintracht does not disclose: a set of annotation structures,

each defining a set of annotation fields selected to capture annotations of a specific type

of data object point and each corresponding to a specific combination of user role and

data scope. the plurality of annotations independently of the annotation applications in

which the plurality of annotations were created and (ii) display the plurality of

annotations along with selectable links from each of the plurality of annotations to at

least one data object point annotated by each annotation, wherein selecting any one of

the selectable links causes the respective application for editing the respective

annotated data object point to be invoked according to the defined relationship between

the respective application and the respective annotated data object. Davis does

however disclose: a set of annotation structures (See column 10 lines 20-30), each

defining a set of annotation fields selected to capture annotations of a specific type of

data object point and each corresponding to a specific combination of user role and

data scope (See column 10 lines 30-35); the plurality of annotations independently of

the annotation applications in which the plurality of annotations were created (See

column 2 lines 40-50) and (ii) display the plurality of annotations along with selectable

links from each of the plurality of annotations to at least one data object point annotated

by each annotation (See column 6 lines 14-24), wherein selecting any one of the

selectable links causes the respective application for editing the respective annotated

data object point to be invoked according to the defined relationship between the

respective application and the respective annotated data object (See column 3 lines 15-

20 and figure 3 noting that the application must be compliant application). It would have

been obvious to an artisan of ordinary skill in the pertinent at the time the invention was

made to have incorporated the teaching of Davis into the system of Eintracht. The

modification would have been obvious because the two references are concerned with

the solution to problem of data processing, therefore there is an implicit motivation to

combine these references. In other words, the ordinary skilled artisan, during his/her

quest for a solution to the cited problem, would look to the cited references at the time

the invention was made. Consequently, the ordinary skilled artisan would have been

motivated to combine the cited references since Davis's teaching would enable user's

of the Eintracht system to embed annotations steganographicly into the displayed data

(See Davis column 1 lines 55-67).

        As for claim 37 Eintracht discloses: a data store storing a plurality of data

objects (See column 6 lines 34-45); a plurality of different applications for editing the

plurality of data objects (See column 5 lines 65-67, and column 1 lines 55-60) wherein

each application performs a different type of editing and wherein a relationship is

defined between each data object and a respective application for editing the respective

data object (See column 8 lines 40-46); an annotation database storing a plurality of

annotations wherein the annotations are stored separately from the plurality of data

objects(See column 6 lines 25-28),   a set of data object points (See column 7 lines 63-

67), each data object point being an annotatable portion of one of the plurality of data

objects (See column 7 lines 55-60) , wherein one or more of the set of data object

points is annotated by one or more of the plurality of annotations (See column 8 line 65-

column 9 line 3); a set of index tables indexing the one or more of the set of data object

points annotated by the one or more of the plurality of annotations (See column 9 lines

15-25) , wherein each index table corresponds to a different type of data object point

(See column 8 lines 15-25). wherein the plurality of annotations are stored separately

from the plurality of data objects (See column 6 lines 45-55); a set of plug-in

components (See column 8 lines 28-30), each interfacing between one or more

annotation applications and an annotation server (See column 8 lines 34-43), wherein

the annotation server is configured to: (i) receive, via the plug-in components, requests

to access the plurality of annotations (See column 10 lines 34-40), the requests issued

by the one or more annotation applications and (ii) generate a graphical user interface

screen, based on an annotation structure associated with one or more of the set of data

object points, for creating or viewing annotations for one or more of the set of data

object points (See figure 1 b); a browser application configured to browse the plurality of

annotations in the annotation database, wherein the browser application is configured

to: (i) access, by operation of one or more computer processors(See column 7 lines 25-

30). wherein the annotation browser is configured to display a first annotation icon to

indicate a displayed data object has a single annotation and a second annotation icon to

indicate a displayed data object has multiple annotations (See column 14 lines 29-34).

wherein the annotation browser is configured to display a first portion of annotation data

from an annotation, in response to a user positioning a cursor over an associated

annotation icon (See column 15 lines 15-20 note: cursor must move over

checkbox)wherein the annotation browser is further configured to, in response to the

user selecting the annotation icon, display a second portion of annotation data from the

annotation (See column 14 lines 30-40). Eintracht does not disclose: a set of

annotation structures, each defining a set of annotation fields selected to capture

annotations of a specific type of data object point. The plurality of annotations

independently of the annotation applications in which the plurality of annotations were

created and (ii) display the plurality of annotations along with selectable links from each

of the plurality of annotations to at least one data object point annotated by each

annotation, wherein selecting any one of the selectable links causes the respective

application for editing the respective annotated data object point to be invoked

according to the defined relationship between the respective application and the

respective annotated data object. Davis does however disclose: a set of annotation

structures (See column 10 lines 20-30), each defining a set of annotation fields selected

to capture annotations of a specific type of data object point and each corresponding to

a specific combination of user role and data scope (See column 10 lines 30-35); the

plurality of annotations independently of the annotation applications in which the

plurality of annotations were created (See column 2 lines 40-50) and (ii) display the

plurality of annotations along with selectable links from each of the plurality of

annotations to at least one data object point annotated by each annotation (See column 6 lines 14-24), wherein selecting any one of the selectable links causes the respective application for editing the respective annotated data object point to be invoked according to the defined relationship between the respective application and the respective annotated data object (See column 3 lines 15-20 and figure 3 noting that the application must be compliant application). It would have been obvious to an artisan of ordinary skill in the pertinent at the time the invention was made to have incorporated the teaching of Davis into the system of Eintracht. The modification would have been obvious because the two references are concerned with the solution to problem of data processing, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan would have been motivated to combine the cited references since Davis's teaching would enable user's of the Eintracht system to embed annotations steganographicly into the displayed data (See Davis column 1 lines 55-67).

Response to Arguments

Applicant's arguments filed 10/20/2009 have been fully considered but they are

not persuasive.

Applicant argues:

Davis, col. 2 lines 40-50. Generally, Davis is directed to associating metadata

with graphical images. See Davis, Abstract. The cited portion of Davis teaches ways of

associating image metadata with graphical images. Respectfully, Davis fails to disclose

any annotation browser that provides one or more graphical user interfaces for creating

and viewing metadata for objects edited by a plurality of different applications. Instead,

Davis merely discloses selecting, from a list of predetermined image metadata, image

metadata to associate with a graphical image. In particular, Davis fails to disclose any

user interface for viewing metadata for objects. Davis also fails to disclose any user

interface for creating and/or viewing objects edited by a plurality of different

applications, as required by the claims. Therefore, Davis fails to disclose "an annotation

browser configured to... provide one or more graphical user interfaces for creating and

viewing the one or more annotations." Accordingly, Applicants submit that the rejection

is defective and should be withdrawn.

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their

broadest reasonable interpretation in light of the specification. Interpretation of Claims-

Broadest Reasonable Interpretation: During patent examination, the pending claims

must be 'given the broadest reasonable interpretation consistent with the specification.'

Applicant always has the opportunity to amend the claims during prosecution and broad

interpretation by the examiner reduces the possibility that the claim, once issued, will be

interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA

1969). In this case the claim limitation in question reads "an annotation browser

configured to... provide one or more graphical user interfaces for creating and viewing

the one or more annotations." Davis discloses that users may use metadata to label

images for the purpose of querying and retrieving images (See column 1 lines 45-55).

Moreover a user is given an interface to edit or added metadata as well as view the

metadata (See column 5 lines 55-65) information which is not always editable by the

image capturing device (See column 6 lines 60-67).

Applicant argues:

      Further, the Examiner suggests that Davis discloses "wherein the annotation

browser is configured to display the one or more annotations along with selectable links

from each of the one or more annotations to at least one of the plurality of data objects

Davis, col. 6 lines 14-24. The cited portion of Davis teaches a scrollable list of

predefined metadata from which a user may select to associate with a graphical image.

See Davis, col. 6 lines 14-24. Respectfully, Davis fails to disclose any annotation

browser that displays the metadata associated with graphical images and selectable

links from each of the metadata to at least one of the graphical images. In particular, the

cited portions of Davis disclose predefined metadata that is not yet associated with any

graphical image. That is, while Davis may disclose a graphical user interface displaying

metadata to associate with a graphical image (e.g., Mom, Dad, Child, etc.), Davis fails

to disclose an annotation browser that displays a list of metadata that have been

associated with a graphical image (e.g., Mom (associated with a first graphical image),

Mom (associated with a second graphical image), etc.). Put another way, even

assuming, arguendo, that Davis teaches a graphical user interface for creating

annotations, Davis fails to teach any graphical user interface for displaying the

annotations once they have been created. Further, the cited portions of Davis fail to

disclose any selectable link from the metadata to the graphical image (e.g., "Mom"

along with a selectable link to the first graphical image, "Mom" along with a selectable

link to the second graphical image, etc.). Therefore, Davis fails to disclose "wherein the

annotation browser is configured to display the one or more annotations along with

selectable links from each of the one or more annotations to at least one of the plurality

of data objects annotated by the respective annotation of the one or more annotations."

Accordingly, Applicants respectfully submit that the rejection is defective and should be

withdrawn.

Examiner responds:

        Examiner is not persuaded. Initially examiner notes that one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA

1981); In re Merck & Co., 800 F.2d 1091,231 USPQ 375 (Fed. Cir. 1986). In this case

Davis discloses that the image metadata may be associated with an image in 1 of two ways either the metadata is stored directly into the file or the metadata is stored outside of the image in an external location with an associated link between the metadata and the image file. Moreover the "Test of obviousness is not whether features of secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, <u>test is what combined teachings of references would have suggested to those of ordinary skill in art</u>." In re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981).

<u>Applicant argues:</u>

Further, Davis also fails to disclose that selecting any one of the selectable links causes an application for editing, graphical images to be invoked. Therefore, Davis fails to disclose "wherein selecting any one of the selectable links causes the respective application for editing the respective data object to be invoked according to the defined relationship between the respective application and the respective data object." Accordingly, Applicants respectfully submit that the rejection is defective and should be withdrawn.

<u>Examiner responds:</u>

Examiner is not persuaded. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800

F.2d 1091,231 USPQ 375 (Fed. Cir. 1986). In this case Davis discloses that descriptors

can be selected by the users. The descriptors are encoded into the images and are

associated with the metadata. (See column lines 22-26). Moreover the "Test of

obviousness is not whether features of secondary reference may be bodily incorporated into

primary reference's structure, nor whether claimed invention is expressly suggested in any one or

all of references; rather, test is what combined teachings of references would have suggested to

those of ordinary skill in art." In re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LEON HARPER whose telephone number is (571)272-

0759. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
February 12, 2010

/Hosain T Alam/
Supervisory Patent Examiner, Art Unit 2166